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EXAMINER

NGUYEN, CINDY

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/573,552	Applicant(s) DUNCAN ET AL.	
	Examiner CINDY NGUYEN	Art Unit 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03/27/06 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is response to Preliminary Amendment filed 03/27/06 in which claims 1-26 are presented for examination.

Specification

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

The disclosure is objected to because of the following informalities: The arrangement of the specification of the invention is lacking of proper sections within the layout of the application : (f)-(J). Appropriate correction is required.

The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

Drawings

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the numerous errors throughout the specification, namely: including element numbers for each element in every figure, and having every element number in each figure correspond to a proper description in the written specification. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 11 recites the limitation "Knowledge of a plurality of different CDSs". There is insufficient antecedent basis for this limitation in the claim.

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Claim 24 recites the limitation "Knowledge". There is insufficient antecedent basis for this limitation in the claim.

Claim 26 recites the limitation "the system". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 14 and 26 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding claim 14, A software per se is claimed, which is not one of the statutory subject matters, see MPEP 2106.1.

Regarding claim 26, the system is claimed and can be interpreted as software per se (see page 5, lines 17-28, specification).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6, 10-20 and 23-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Putterman et al. (US 20040088731, hereafter Putterman).

Regarding claims 1 and 15, Putterman discloses: a method and apparatus for providing media content information in a system which uses a Content Directory Service (CDS) to store the media content information (see paragraph 0045, Putterman), comprising:

receiving, from a querying device, a query for media content information from the CDS of a serving device (i.e., a user may request using a remote control device, a list of all the music items available on the home network... see paragraph 0039, Putterman);

using knowledge of the CDS of the serving device, which has been previously acquired, to translate the query into an optimised query (i.e., the client device translates the request for media items to a protocol supported by the selected media server, and forwards the request to the media server... see paragraph 0040, Putterman);

querying the CDS of the serving device using the optimised query (i.e., the client device may extract information (e.g., URL to identify media, metadata, etc.) from a database on another network device... see paragraph 0046, Putterman); and

providing a response to the querying device (see paragraph 0071, Putterman).

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Regarding claims 2 and 16, all the limitations of these claims have been noted in the rejection of claims 1 and 15 above, respectively. In addition, Putterman discloses wherein knowledge of the CDS is acquired by querying the CDS of the serving device (see paragraph 0039, lines 4-16, Putterman).

Regarding claims 3 and 17, all the limitations of these claims have been noted in the rejection of claims 2 and 16 above, respectively. In addition, Putterman discloses wherein knowledge of the CDS is acquired by querying the CDS of the serving device using a set of predetermined queries (i.e., the media items available and protocol format specifies data... see paragraphs 0040 and 0048, Putterman).

Regarding claims 4 and 18, all the limitations of these claims have been noted in the rejection of claims 2 and 16 above, respectively. In addition, Putterman discloses wherein knowledge of the CDS is acquired by querying the CDS using queries received from the querying device and analyzing responses received from the serving device (i.e., client manager service translates the data model notion of "genre" to a query compatible with database... see paragraph 0062 and 0071, Putterman).

Regarding claims 5 and 19, all the limitations of these claims have been noted in the rejection of claims 1 and 15 above, respectively. In addition, Putterman discloses wherein the knowledge of the CDS comprises one or more of the following properties of the CDS: structure, scope, object typing, classification, metadata availability, content

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distribution, search facilities and querying performance (i.e., identification of musical tracks available, attributes, artists, genres, playlists, classifying audio tracks,...see paragraphs 0065, 0066, Putterman) .

Regarding claims 6 and 20, all the limitations of these claims have been noted in the rejection of claims 1 and 15 above, respectively. In addition, Putterman discloses wherein knowledge of the CDS of a serving device is acquired when a serving device joins the system (i.e., new device connect to the system, see paragraphs 0054-0058, Putterman).

Regarding claims 10 and 23, all the limitations of these claims have been noted in the rejection of claims 1 and 15 above, respectively. In addition, Putterman discloses wherein the step of translating the query into an optimised query converts a query specifying a search operation into an optimised query specifying a browse operation where the knowledge of the CDS indicates that searching is not supported (i.e., permits users to browse and playback media available within the media space...see paragraphs 0024 0056, Putterman).

Regarding claims 11 and 24, all the limitations of these claims have been noted in the rejection of claims 1 and 15 above, respectively. In addition, Putterman discloses

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wherein knowledge of a plurality of different CDSs, each corresponding to a different serving device, is acquired (acquired a list of media items from all the available media servers... see paragraph 0040 and 0049, Putterman) .

Regarding claim 12, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Putterman discloses further comprising using knowledge of the querying devices (see paragraph 0039, Putterman).

Regarding claims 13 and 25, all the limitations of these claims have been noted in the rejection of claims 1 and 15 above, respectively. In addition, Putterman discloses wherein the querying device is physically separate from the device which implements the method and the method is provided as a service to querying devices in the system (see client Device in fig. 6 and correspond text, Putterman).

Regarding claim 14, Putterman discloses: Software for causing a processor to perform the method according to claim 1 (see paragraph 0041, Putterman).

Regarding claim 26, all the limitations of this claim have been noted in the rejection of claim 15 above. In addition, Putterman discloses the system is a universal plug and play (UPnP) system (see paragraph 0045, Putterman).

Claim Rejections - 35 USC § 103

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-9 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Putterman et al. (US 20040088731, hereafter Putterman) In view of White et al. (US 20050055352, hereafter White).

Regarding claims 7 and 21, all the limitations of these claims have been noted in the rejection of claims 1 and 15 above, respectively. However, Putterman didn't disclose further comprising updating knowledge of the CDS when an update occurs to the CDS. On the other hand, White discloses: an update occurs to the CDS (i.e., update information to CDS, see paragraph 0041). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include the steps for update information to CDS in the system of Putterman as taught by White. The motivation being to provide update information to the content directory service regarding new content data received by the database from the external device during content data synchronization see paragraph 0030, White).

Regarding claim 8, all the limitations of this claim have been noted in the rejection of claim 7 above. In addition, Putterman discloses further comprising updating

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knowledge of the CDS in response to receiving a notification from a CDS that an update has occurred (i.e., the interface layer (event notification) provides the discovered information, referred as update information the CDS on the first media server, updated according to the update information received from the interface layer...see paragraph 0054, White).

Regarding claims 9 and 22, all the limitations of these claims have been noted in the rejection of claims 1 and 15 above, respectively. In addition, Putterman discloses further comprising validating the knowledge of the CDS on a periodic basis (i.e., each time new content is loaded into the first media server independent of a data synchronization, the synchronization application is updated by the interface layer to indicate that new content has been added to the first media server... if CDS is not updated, the CDS would not indicate that the new content exists and the user browsing the CDS would not know the new content is available... see paragraph 0043 and 0044, White). The motivation being to provide update information to the content directory service regarding new content data received by the database from the external device during content data synchronization see paragraph 0030, White).

Contact Information

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to CINDY NGUYEN whose telephone number is (571)272-4025. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Cindy Nguyen
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